Issues raised in pres. Swartz letter of 5/8/12

Request consultation related to Eagle Mine and Humboldt Mill
Status of CERCLA 108(b) rulemaking
EPA's involvement in the drafting of Michigan's Part 632 Non-Ferrous Metals Mining Law
Seek to understand EPA's actions and decisions related to Eagle Mine & Humboldt Mill
Prepared to offer a regulatory framework that has been overlooked
Discuss MDEQ's implementation of CWA
Ongoing permitting of CR 595

Background:
Contested case hearing; recommendation to relocate portal away from Eagle Rock (Migisi Wa Sin)
Ojibwa people are prevented from using the site in any meaningful way
Need EPA's assistance to make sure that EPA's concerns with Part 632 are fully addressed:
EPA's concern that the financial assurance requirements are inadequate (tie-in to the CERCLA 108(b) effort
Injury to treaty-protected tribal resources without reliable ability to restore
Hope EPA is prepared to discuss all of the recommendation that it made to Michigan related to Part 632

TWIS redesign, UIC permit decision
Outflow from TWIS will vent to the surface, flow into East Branch of Salmon Trout River (STR)
The TWIS is a "discrete conveyance" that is a point source discharge to waters of the US, should be subject to CWA
Discuss in detail how EPA concluded that the TWIS was appropriately regulated by SDWA and ultimately that no further regulation by EPA was required.
Significance of the STR and Lake Superior to tribal culture

Unethical conflict of interest by former state employees working for Rio Tinto, now responsible for selecting any remedy related to the discharge through TWIS to Lake Superior
Adam Burley, senior Rio Tinto official responsible for Eagle Mine, wrote to KBIC regarding his desire to foster trust
Burley's concern related to lack of communication from EPA after the inspection within the L'Anse Indian Reservation

"Please provide a point of contact so that we may arrange a mutually acceptable date, time and location for the government-to-government consultation."